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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/932,968	08/21/2001	Keigo Ihara	212969US6	5890
22850	7590	01/04/2005	EXAMINER	
OBLON, SPIVAK, MCCLELLAND, MAIER & NEUSTADT, P.C. 1940 DUKE STREET ALEXANDRIA, VA 22314			JOO, JOSHUA	
			ART UNIT	PAPER NUMBER
			2154	

DATE MAILED: 01/04/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/932,968

Applicant(s)

IHARA ET AL.

Examiner

Joshua Joo

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 08/21/2000.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-8 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-8 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>08/21/2000</u> . | 6) <input type="checkbox"/> Other: _____ |

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1. Claims 1-8 are presented for examination.
2. Claims 1-8 are rejected.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claim 1 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. In claim 1, the claim cites "the real time information of server side" but there is no previous mention of real time information in the claim. Is the claim referring to real time information as the actual time of the server?

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

6. Claims 1, 3, 4, 6, and 8 are rejected under 35 U.S.C. 102(e) as being unpatentable by Bonomi et al, US Patent #6,769,127 (Bonomi hereinafter).

7. As per claim 1, Bonomi teaches an invention for scheduling a date and time to receive program information from a server. Bonomi's invention comprises of:

A) A reservation requesting step of sending reservation request information including a desired service time to use said processing server, from said user terminal apparatus to said reservation control apparatus via the network (Col 18, lines 59-57. A client requests the server for a program. Col 19, lines 14-32. The request is based on preferences set by the client which includes the time to access the server.), and

B) A time transmitting step of transmitting, when the reservation for the use of said processing server during said desired time included in said reservation request information is accepted, the real time information of server side to be used for time control when the reservation for the use of the said processing server is executed, from said reservation control apparatus to said user terminal apparatus via the network (Col 33, lines 1-29. A main page is downloaded from the server upon authentication. The server provides the client with the server's date/time, so the user knows when the server will send the program.)

8. As per claim 3, Bonomi teaches the server reservation method according to claim 1, further comprising a corrected step of correcting the real time information of said user terminal based on said real time information of server side (Col 33, lines 25-29. The client's date/time is synchronized or provided by the server).

9. As per claim 4, Bonomi teaches the server reservation method according to claim 1, wherein said predetermined processing executed by said processing server is processing of

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distributing content data by streaming to a requesting client terminal apparatus via the network (Col 8, lines 47-49. Media sources can be streamed or delivered to the subscriber over the network.).

10. As per claims 6 and 8, Bonomi teaches an invention for scheduling a date and time to receive program information from a server. Bonomi's invention comprises of: (Col 38, lines 6-19. The Invention can be implemented in software and/or hardware on a computer readable medium.)

A) Receiving means for receiving reservation request information including a desired service time to use said processing server sent from said user terminal apparatus via the network (Col 8, lines 20-33. Media delivery center has a media receiving unit to communicate with the center and client machines. Col 18, lines 59-57. A client requests the server for a program. Col 19, lines 14-32. The request is based on preferences set by the client which includes the time to access the server.), and

B) Time transmitting means for transmitting, when the reservation for the use of said processing server during said desired service time included in said reservation request information is accepted, real time information of server side to be used for time control when the reservation for the use of said processing network is executed, to said user terminal apparatus via a network (Col 8, lines 35-44. Media delivery center has a media management unit to transmit information to the clients as well. Col 33, lines 1-29. A main page is downloaded from the server upon authentication. The server provides the client with the server's date/time to correctly synchronize the times).

Claim Rejections - 35 USC § 103

11. Claims 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over Bonomi, US Patent #6,769,127 and in view of Bantum, US Patent #5,790,805.

12. As per claim 2, Bonomi does not teach the server reservation method according to claim 1, further comprising of a time difference calculating step of calculating the difference in real time between said server side and said user terminal apparatus; and a time difference notifying step of notifying the user of said user terminal apparatus of said time difference calculated.

13. Bantum teaches an invention for client-server time synchronization through a central server. The server may initiate the time synchronization (Col 4, lines 18-19). The client computes the baseline constant, which is the time difference calculated between the local client time and local server time (Col 5, lines 1-8).

14. It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Bonomi and Bantum for Bonomi's invention to calculate the time difference of the client and server and inform the user of the difference because it increases the user-friendliness of Arita's invention. Bonomi's invention synchronizes the time, but by also informing the user of the time difference, it provides greater control to the user because the user can then have the option to choose his/her preference.

15. Claims 5 and 7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bonomi, US Patent #6,769,127 and in view of Harif et al, US Patent #6,581,110 (Harif hereinafter).

16. As per claims 5 and 7, Bonomi does not teach the server reservation method according to claims 1 and 6, wherein said processing server uses real time information acquired from a predetermined network time protocol (NTP) server, for time control as said real time information of server side, and in said time transmitting step, said reservation control apparatus acquires real time information from said predetermined network time protocol (NTP) server and sends said real time information to said user terminal apparatus as said real time information server side.

17. Harif teaches an invention for providing time synchronization to a plurality of servers and terminals through the NTP protocol. Servers are connected to the time source server and synchronize their times (Fig. 3. Col 5, lines 15-19). Clients are connected to the terminal servers (Col 5, lines 36-39). Once the server has its time synchronized, the server may pass time synchronization to the clients (Col 6, lines 3-5.) NTP compliant software is implemented in the time source server (Col 5, lines 53-55).

18. It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Bonomi's invention with Harif's invention for the server to synchronize its time with the Network Time Protocol (NTP) because since NTP is a commonly used protocol for time synchronizations, it increases the reliability of Bonomi's invention by providing the users with correct logging of information, which would ensure proper communications. It further increases the reliability that the client will receive the correct information from the server.

Conclusion


19. A shortened statutory period for reply to this Office action is set to expire THREE MONTHS from the mailing date of this action.

20. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Joshua Joo whose telephone number is 571 272-3966 and fax number is 571 273-3966. The examiner can normally be reached on Monday to Thursday 8 to 5:30.

21. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John A Follansbee can be reached on 571 272-3964.

22. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

December 21, 2004
JJ

 JOHN FOLLANSBEE
SUPERVISOR PATENT EXAMINER
TECHNOLOGY CENTER 2100